Copy for tine Elected Office (EO/US) PCT/EP39/05416 PATENT COOPERATION TREATY 09/744625

| | From the INTERNATIONAL BUREAU |
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| PCT | То: |
| NOTIFICATION OF THE RECORDING OF A CHANGE (PCT Rule 92bis.1 and Administrative Instructions, Section 422) Date of mailing (day/month/year) 25 January 2001 (25.01.01) | VOSSIUS & PARTNER P.O. Box 86 07 67 D-81634 Munich ALLEMAGNE |
| Applicant's or agent's file reference C 2130 PCT | IMPORTANT NOTIFICATION |
| International application No. PCT/EP99/05416 | International filing date (day/month/year) 28 July 1999 (28.07.99) |
| The following indications appeared on record concerning: The applicant the inventor | the agent the common representative |
| Name and Address MICROMET GESELLSCHAFT FÜR BIOMEDIZINISCHE FORSCHUNG MBH Am Klopferspitz 19 D-82152 Martinsried Germany | State of Nationality DE DE Telephone No. Facsimile No. Teleprinter No. |
| The International Bureau hereby notifies the applicant that the the person | |
| Name and Address MICROMET AG Am Klopferspitz 19 D-82152 Martinsried Germany | State of Nationality State of Residence DE DE Telephone No. Facsimile No. |
| | Teleprinter No. |
| 3. Further observations, if necessary: | |
| 4. A copy of this notification has been sent to: | |
| X the receiving Office the International Searching Authority the International Preliminary Examining Authority | the designated Offices concerned X the elected Offices concerned other: |
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland | Authorized officer S. De Michiel |
| Facsimile No.: (41-22) 740.14.35 | Telephone No.: (41-22) 338.83.38 |





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PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

To:

Assistant Commissioner for Patents United States Patent and Trademark Office Box PCT

Washington, D.C.20231 ÉTATS-UNIS D'AMÉRIQUE

Date of mailing (day/month/year)

08 March 2000 (08.03.00)

International application No.

PCT/EP99/05416

International filing date (day/month/year)

28 July 1999 (28.07.99)

Applicant

KUFER, Peter et al

| 1. | The designated Office is hereby notified of its election made: |
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| | X in the demand filed with the International Preliminary Examining Authority on: 28 January 2000 (28.01.00) |
| | in a notice effecting later election filed with the International Bureau on: |
| | |
| 2. | The election X was was was not |
| | made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b). |
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The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland

Authorized officer

F. Baechler

Telephone No.: (41-22) 338.83.38

Facsimile No.: (41-22) 740.14.35



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| WIPO |) | | | PCT | |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

| | r agent's file reference | FOR FURTHER ACTION | See Notific Preliminary | ation of Transmittal of International / Examination Report (Form PCT/IPEA/416) |
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| 2130 PC | | International filing date (day/mor | | Priority date (day/month/year) |
| nternational PCT/EP99 | application No. 9/05416 | 28/07/1999 | m y ou , | 28/07/1998 |
| | | or national classification and IPC | | |
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| | | | | Caral Deliminary Everyining Authority |
| This in and is | ternational preliminary ex transmitted to the applications | xamination report has been prepai ant according to Article 36. | ed by this inte | ernational Preliminary Examining Authority |
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| 2. This R | EPORT consists of a total | al of 5 sheets, including this cover | sheet. | |
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| ⊠ Tr | nis report is also accompa | anied by ANNEXES, i.e. sheets of | the description | on, claims and/or drawings which have ectifications made before this Auth rity |
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| l nese | annexes consist of a tot | al of 6 sneets. | | |
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| 3. This re | eport contains indications | s relating to the following items: | | |
| ı | ☑ Basis of the report | | | |
| 11 | ☐ Priority | | | |
| 111 | • | t of opinion with regard to novelty, | inventive step | and industrial applicability |
| IV | ☐ Lack of unity of inv | | | |
| V | Reasoned statements citations and explanations | ent under Article 35(2) with regard anations suporting such statement | to novelty, inv | ventive step or industrial applicability; |
| VI | ☐ Certain document | | | |
| VII | ☐ Certain defects in | the international application | | |
| VIII | ☑ Certain observation | ns on the international application | | |
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| Name and | mailing address of the intern | ational Auth | orized officer | AMOES MILL |
| preliminary | examining authority: | | | |
| 9) | European Patent Office D-80298 Munich | sci | HEFFZYK, I | |
| | Tel. +49 89 2399 - 0 Tx: 5 | | | 30011 DUNG. 301 |
| | | | | 89 2399 8602 |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP99/05416

I. Basis of the r port

1. This report has been drawn on the basis of (substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.): Description, pages: as originally filed 1-84 Claims, No.: 20/07/2000 with letter of 19/07/2000 as received on 1-41 Drawings, sheets: as originally filed 1/75-75/75 2. The amendments have resulted in the cancellation of: ☐ the description, pages: ☐ the claims, Nos.: the drawings, sheets:

3.

This report has been established as if (some of) the amendments had not been made, since they have been

considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

- V. R asoned statem nt under Article 35(2) with r gard to novelty, inventiv step r industrial applicability; citations and explanations supporting such statement
- 1. Statement

Novelty (N)

Yes:

Claims 3,4,8-18,20-25,27,30-32

No:

Claims 1,2,5-7,19,26,28,29,33-41

Inventive step (IS)

Yes: Claims

No:

Claims 1-41

Industrial applicability (IA)

Yes:

Claims 1-41

No:

Claims

2. Citations and explanations

see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

INTERNATIONAL PRELIMINARY Inte

International application No. PCT/EP99/05416

SECTION V-----

Taking into account that according to claim 6 and also according to the specification of present application (see for instance page 1 and the examples) the domains having receptor or ligand function can be in the format of a scFv-fragment the subject-matter of claims 1,2, 5-7, 19, 26, 28, 29, 33-41 is considered to be anticipated by K. Müller et al., FEBS Letters, vol. 422, no. 2, 30.01.98, pp. 259-264 (1), see e.g. figure 1 and section Materials and Methods. It is correct that the heterominibodies taught in (1) are produced in E.coli. However, nevertheless, at present it cannot be ruled out that the minibodies described in (1) also can be produced in a mammalian host cell as it is required in claim 1. Therefore, (1) is deemed novelty destroying for the above-mentioned claims. Correspondingly, the subject-matter of these claims does not meet the requirements of Art. 33(2)(3) PCT.

In addition, taking into account that the principle underlying the present application, i.e. the provision of a multifunctional compound comprising at least two polypeptides with different receptor or ligand functions which are linked via an immunoglobulin heavy chain CH1 domain and a constant CL domain is already taught in (1) the subject-matters of the remaining claims 3, 4, 8-18, 20-25, 27, 30-32 merely can be considered as obvious alternatives to a person skilled in the art which arise out of the teaching of (1) in combination with the general knowledge of a person skilled in the art. Correspondingly, these claims lack inventive activity and thus do not meet the requirements of Art. 33(3) PCT.

SECTION VIII-----

1). There seems to be a discrepancy in present application since on the one hand at least two of the polypeptides having different receptor or ligand functions lack an intrinsic affinity for one another so that according to the description of present application the presence of VH and VL chains and of scFv fragments in these polypeptides should be excluded by said proviso but on the other hand according to claims 6 and 8 and the examples such domains clearly can be present in said

polypeptides. Relating to this it is also pointed out that according to present claim 1 the minimum number of peptides having different receptor or ligand functions is two!

2). The scope of claim 33 is unclear since due to the alternative "and/or" given in said claim it is unclear whether the claimed composition contains either the multifunctional compound or the polynucleotide or the vector and optionally a proteinaceous compound or whether the claimed composition contains the multifunctional compound, the polynucleotide <u>and</u> the vector optionally in combination with a proteinaceous compound?!

PCT/EP99/05416 Micromet GmbH Our Ref.: C 2130 PCT

CLAIMS

- A multifunctional compound, produceable in a mammalian host cell as a secretable and fully functional heterodimer of two polypeptide chains, wherein one of said polypeptide chains comprises, as the only constant region domain of an immunoglobulin heavy chain the CH1-domain and the other polypeptide chain comprises the constant CL-domain of an immunoglobulin light chain, wherein said polypeptide chains further comprise, fused to said constant region domains at least two (poly)peptides having different receptor or ligand functions, wherein further at least two of said different (poly)peptides lack an intrinsic affinity for one another and wherein said polypeptide chains are linked via said constant domains.
- The multifunctional compound of claim 1, wherein the functional domains, having receptor or ligand function, are C-and/or N-terminally linked to one or both of said constant immunoglobulin domains.
- The multifunctional compound of claim 1 or 2, comprising at least three functional domains, having receptor or ligand function.
- 4. The multifunctional compound of anyone of claims 1 to 3, comprising four functional domains, having receptor or ligand function.
- The multifunctional compound of anyone of claims 1 to 4, wherein at least two domains, having receptor or ligand function, are N-terminally linked to said constant C_H 1 or C_L domains.
- 6. The multifunctional compound of any one of claims I to 5, wherein at least one of said domains, having receptor or ligand function, is in the format of a scFv-fragment or a functional part thereof.

- The multifunctional compound of any one of claims 1 to 6, wherein at least one of said domains, having receptor- or ligand function, is a T-cell co-stimulatory ligand, an antigen binding region specific for a tumor associated antigen, or a proteinaceous compound providing the primary activation signal for T-cells.
- 8. The multifunctional compound of any one of claims 6 or 7, wherein said scFv fragment or said functional part thereof comprise the V_H and the V_L regions of the murine anti-human 17-1A antibody M79, the V_H and the V_L regions of the anti-Lewis Y antibody, as shown in Fig. 6, the V_H and the V_L regions of the anti-CD3 antibody TR66, and/or the V_H and the V_L regions of the human anti-human EpCAM antibody as shown in Figure 55.
- The multifunctional compound of claim 7, wherein the T-cell co-stimulatory, ligand is a cell surface molecule or a fragment thereof expressed on antigenpresenting cells (APC).
- The multifunctional compound of claim 9, wherein the antigen-presenting cell is a dendritic cell.
- 11. The multifunctional compound of claim 9, wherein the cell surface molecule is selected from the group consisting of B7-1, B7-2, ICAM-1, ICAM-2, ICAM-3, LFA-3 and CD137-ligand.
- 12. The multifunctional compound of any one of claims 1 to 5, wherein at least one of said domains, having receptor or ligand function, is an immuno-modulating effector molecule or a fragment thereof.
- 13. The multifunctional compound of claim 12, wherein said immuno-modulating effector molecule or said fragment thereof is selected from the group consisting of cytokines, chemokines, macrophage migration factor (MIF), T-cell receptors and soluble MHC molecules.

- 14. The multifunctional compound of claim 13, wherein said cytokine is selected from the group consisting of interleukins, interferons, GM-CSF, G-CSF, M-CSF, TNFs and VEGF.
- The multifunctional compound of claim 13, wherein said chemokine is selected from the group consisting of IL-8, Eotaxin, GROα, GROβ, GROγ, IP-10, MCP-1, MCP-2, MCP-3, MCP-4, MIG, MIP-1α, MIP-1β, NAP-2, RANTES, I309, Lymphotactin and SDS-1.
- The multifunctional compound of anyone of claims 1 to 5, wherein at least one of said domains, having receptor or ligand function, is FAS ligand (CD 95 L) or a fragment thereof.
- 17. The multifunctional compound of anyone of claims 1 to 5, wherein at least one of said domains, having receptor or ligand function, is a growth factor or a fragment thereof.
- 18. The multifunctional compound of anyone of claims 1 to 5, wherein at least one of said domains having receptor or ligand function is an angiogenesis inhibitor or a fragment thereof.
- 20. The multifunctional compound of any one of claims 1 to 18, wherein said constant domain of an immunoglobulin light chain is of the κ type.
- 20. The multifunctional compound of any one of claims 1 to 19, wherein said constant immunoglobulin domains and said functional receptor-ligand domains are connected by a polypeptide linker.
- 21. The multifunctional compound of claim 20, wherein said polypeptide linker comprises an lg-hinge region or a plurality of glycine, alanine and/or serine.
- 22. The multifunctional compound of claim 21, wherein said lg-hinge region is an lgG hinge region.

- 23. The multifunctional compound of claim 22, wherein the IgG hinge region is the upper hinge region of human IgG₃. •
- The multifunctional compound of any one of claims 1 to 23, wherein said functional domains, having receptor or ligand function, comprise GM-CSF, IL-2 and/or (an) scFv fragment(s) comprising the V_H and the V_L regions of the human-anti-human EpCAM antibody, as shown in Figure 55.
- 25. The multifunctional compound of claim 24, wherein said GM-CSF and said IL-2 are C-terminally linked to said constant C_H1 or C_L domains and wherein said scFv fragment(s) comprising the V_H and the V_L regions of the human anti-human EpCAM antibody is (are) N-terminally linked to said constant C_H1 or C_L domains.
- The multifunctional compound of any one of claims 1 to 25, wherein said C_H1 domain is limited to a histidine tag, GST, Staphylococcus protein A, Lex A, a FLAG-tag or a MYC-tag.
- 27. The multifunctional compound of any one of claims 1 to 26, wherein said functional domains, having receptor or ligand function is or is derived form a non-immunoglobulin domain.
- 28. A polynucleotide encoding one and/or two polypeptide chains of the multifunctional compound as defined in any one of claims 1 to 27.
- A vector comprising at least one polynucleotide of claim 28.
- 30. A mammalian host cell comprising at least one vector of claim 29.
- 31. The mammalian host cell of claim 30 which is a CHO cell or a myeloma cell.
- 32. A method of producing the multifunctional compound of any one of claims 1 to 27 comprising culturing the host cell of claim 30 or 31 under conditions that

allow the synthesis and secretion of said multifunctional compound, and recovering said multifunctional compound from the culture.

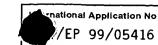
- 33. A composition comprising the multifunctional compound of any one of claims 1 to 27, the polynucleotide of claim 28, and/or the vector of claim 29 and, optionally, a proteinaceous compound capable of providing the primary activation signal for T-cells.
- 34. The composition of claim 33 which is a pharmaceutical composition further comprising, optionally, a pharmaceutically acceptable carrier and/or the diluent and/or excipient.
- 35. The composition of claim 33 which is a diagnostic composition further comprising, optionally, suitable means for detection.
- 36. Use of the multifunctional compound of any one of claims 1 to 27, the polynucleotide of claim 28 and/or the vector of claim 29 for the preparation of a pharmaceutical composition for preventing and/or treating malignant cell growth.
- 37. The use of claim 36, wherein the malignant cell growth is related to malignancies of hemapoietic cells or to solid tumors.
- 38. The use of claim 37, wherein said malignancies of hernatopoietic cells are lymphomas or leukemias.
- 39. The use of claim 37, wherein said solid tumors are carcinomas, melanomas or sarcomas.
- 40. A kit comprising the multifunctional compound of any one of claims 1 to 27 and, optionally, a proteinaceous compound capable of providing the primary activation signal for T-cells.

The composition of claim 33, the pharmaceutical composition of claim 34, the diagnostic composition of claim 35 or the kit of claim 40, wherein the proteinaceous compound capable of providing the primary activating signal for T-cells is a bispecific antibody interacting with the T-cell antigen CD3.



(PCT Article 18 and Rules 43 and 44)

| Applicant's or agent's file reference | (Form PCT/ISA/2 | f Transmittal of International Search Report 20) as well as, where applicable, item 5 below. |
|--|--|---|
| C 2130 PCT | ACTION | (Earliest) Priority Date (day/month/year) |
| International application No. | International filing date (day/month/year) | \ ' \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ |
| PCT/EP 99/05416 | 28/07/1999 | 28/07/1998 |
| Applicant | | |
| MICROMET GESELLSCHAFT FÜR | BIOMEDIZINISCHE FORSCHUN | |
| This International Search Report has bee according to Article 18. A copy is being tr | on prepared by this International Searching Aut ansmitted to the International Bureau. | hority and is transmitted to the applicant |
| This International Search Report consists X It is also accompanied by | s of a total of sheets. y a copy of each prior art document cited in this | s report. |
| Basis of the report | | the tale sectional analisation in the |
| language in which it was filed, ur | e international search was carried out on the ba nless otherwise indicated under this item. | * |
| the international search Authority (Rule 23.1(b)). | was carried out on the basis of a translation of | the international application furnished to this |
| b. With regard to any nucleotide a was carried out on the basis of t | nd/or amino acid sequence disclosed in the i | international application, the international search |
| contained in the internat | ional application in written form. | |
| | ternational application in computer readable fo | rm. |
| | to this Authority in written form. | |
| T furnished subsequently | to this Authority in computer readble form. | |
| T the statement that the s | ubsequently furnished written sequence listing as filed has been furnished. | does not go beyond the disclosure in the |
| the statement that the in furnished | nformation recorded in computer readable form | is identical to the written sequence listing has been |
| 2. Certain claims were fo | ound unsearchable (See Box I). | ••• |
| 3. Unity of invention is la | acking (see Box II). | |
| 4. With regard to the title, | | |
| X the text is approved as | submitted by the applicant. | |
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| 5. With regard to the abstract, | | · · · · · · · · · · · · · · · · · · · |
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| the text has been estal within one month from | blished, according to Rule 38.2(b), by this Auth the date of mailing of this international search | |
| | ublished with the abstract is Figure No. | 52 |
| as suggested by the a | | None of the figures. |
| | failed to suggest a figure. | |
| | tter characterizes the invention. | |
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A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 C07K19/00 C12N15/62 C12N
G01N33/53 A61K31/70 //C0
C07K14/535,C07K14/55

C12N15/85 C12N5/10 A61K38/17 //C07K16/28,C07K16/30,C07K14/705,

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols) IPC 7 C07K

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Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

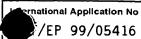
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| Y Further documents are listed in the continuation of box C. | χ Patent family members are listed in annex. |
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| Special categories of cited documents: "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier document but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed | "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art. "&" document member of the same patent family |
| Date of the actual completion of the international search 6 April 2000 | Date of mailing of the international search report $25/04/2000$ |
| Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016 | Authorized officer Nooij, F |

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| C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT | | | | | | |
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| C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT | |
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ormation on patent family members

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